

AMENDMENT

Amendments to the Claims

This listing of claims will replace all prior versions.

1. (Currently Amended) A user closable collar for a vacuum cleaner bag, comprising:

a collar body formed from a single blank of relatively rigid material which is folded to define three generally overlapping and planar panels, said collar body further comprising:

a middle panel having a fixed raceway element which is adhesively secured to a first outer panel and a second outer panel;

a slider element securely and non-detachably attached to said raceway element during the assembly process by retention bands of collar blank material, said slider element further containing an aperture therein;

an apertured portion on said first outer panel and an apertured portion on said second outer panel, wherein said aperture of the slider element is aligned with the apertures of the first outer panel and the second outer panel; and

means for severing said retention bands and separating said slider element from said middle panel,

whereby the slider element can be moved by a user from an open position to a closed position causing the apertures of said first and second outer panels to be occluded.

2. (Original) The collar of Claim 1 further comprising a resilient membrane intermediate to said middle panel and one of said first or second outer panels and defining an aperture therethrough aligned with said apertures of said outer panels.
3. (Original) The collar of Claim 1 wherein the slider element further comprises a top portion and a bottom portion and a thin flexible barrier affixed to said bottom portion, whereby the apertures of the first and second outer panels are fully occluded when the slider element is in a full open position.
4. (Currently Amended) A method of making a user closable collar for a vacuum cleaner bag, comprising the steps of:

(a) folding a single blank of relatively rigid material to define three overlapping and generally planar panels, said panels defined by a first outer panel, a second outer panel, each having an aperture therein, and a an inner panel having a top and bottom portions, and a middle panel having a fixed raceway element and a slider element securely attached to said raceway element during the assembly process by retention bands of collar blank material, said slider element having top and bottom portions and further containing an aperture therein;

(b) adhesively securing the top and bottom portions of said middle panel to said first and second outer panels;

(c) cutting through one of said outer panels and said retention bands of collar material,

whereby said slider element is freed from said middle panel and in a closed position the aperture of the slider element and the apertures of the outer panels are in alignment and said apertures of the first and second outer panels are occluded by said slider when the user operates the slider element to an open position.

5. (Original) The method of Claim 4 comprising the additional step of interposing a resilient membrane intermediate between one of said outer panels and said middle panel, the resilient membrane defining aperture aligned with the apertures of said outer panels.
6. (Original) The method of Claim 4 comprising the additional step of affixing a thin flexible barrier to the bottom portion of the slider element whereby the apertures of the first and second outer panels are fully occluded when the slider element is in a full open position.

RESPONSE

In light to the preceding amendments to the claims of the subject application, the Applicant responds to the issues raised by the Examiner in the Office Action as follows.

Claim Rejections—35 USC § 102(b)

Claims 1-6 stand rejected under 35 USC § 102(b) as being anticipated by Perea *et al.* The Applicant respectfully disagrees that the subject claims are anticipated as each and every element of Applicant's claims are not contained in the applied reference.

Claim 1 of the instant application, as amended, calls for "a slider element securely and non-detachably attached to said raceway element during the assembly process by retention bands of collar blank material" and "means for severing said retention bands and separating said slider element from said middle panel." The invention of Perea *et al.* describes neither feature. Perea *et al.* uses "nicks" to retain the slider element to the raceway element, until detached by the end-user. A "nick" is defined in Perea *et al.* as

"barely visible bridges connecting the four corner edges of the slider element...being strong enough assisting in maintaining the slider element in position relative to the raceway element during the manufacturing process and even during handling by the ultimate user, but weak enough to be easily (and almost imperceptibly) broken...No special action by the user is required to break the nicks." Col 3, lines 60-67 to Col 4, lines 1-5 (emphasis added).

It is clear that the "retention bands" claimed in the instant application are not the same as, either literally or by equivalence, the "nicks" of Perea *et al.* The "retention bands" or "retaining portions" securely attach the slider element to the raceway element during assembly. In order to release the slider element, the retention bands must be cut. As such, the retention bands are

hardly “*barely visible bridges*” nor are “*weak enough to be easily (and almost imperceptibly) broken*” such that “*no special action by the user is required to break the nicks.*”

It is also clear that Perea *et al.* does not require “means for severing said retention bands and separating said slider element from said middle panel.” This makes sense, as the “nicks” of the Perea *et al.* collar do not require such force to sever them—the mere pull of the slider by the user will disconnect the slider element.

The aforementioned arguments carry over to Claim 4 as Perea *et al.* does not disclose a method or apparatus that has retention bands and requires severing of such bands.

Dependent Claims 2-3 and 5-6 are allowable in light of the argued allowability of independent Claims 1 and 4. Claims 3 and 6 are further allowable over Perea *et al.* as the cited reference does not teach or imply, either literally or by equivalence, the limitation of “the slider element further compris[ing] a top portion and a bottom portion and *a thin flexible barrier affixed to said bottom portion, whereby the apertures of the first and second outer panels are fully occluded when the slider element is in a full open position*” (emphasis added).

Conclusion

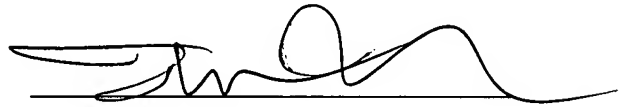
The Applicant has responded to the rejections contained in the subject Office Action and believe that the application is now in a condition for allowance. The Examiner is invited to contact the undersigned to clarify any additional technical issues or informalities that would otherwise hold up issuance of a patent on this application.

It is not believed that any fees, with the exception of such fees associated with Applicant’s request for extension of time, are due in connection with this amendment, but any required payments may be deducted, and any credits refunded, to Deposit Account No. 18-2284.

In re Application of Brent A Wilder
Serial No. 10/090,043
Amendment and Response

Please note that then name of Applicant's Counsel's law firm has changed from Piper Marbury Rudnick & Wolfe to Piper Rudnick LLP, but all other contact information remains unchanged.

Respectfully submitted,
PIPER RUDNICK LLP

A handwritten signature in black ink, appearing to read 'Thomas W. Ryan', written over a horizontal line.

Thomas W. Ryan
Reg. No. 43,072
Telephone: (312) 368-4058

Dated: October 31, 2003